

Article - Environment

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§15–825.

(a) The performance bond or cash deposit in lieu of a bond shall be forfeited on failure of the permittee to perform in the manner set forth in the authorized mining and reclamation plan and to reclaim the land as provided for in the permit or upon revocation of the permit. The Department shall notify the permittee by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, of its intention to initiate forfeiture proceedings. The permittee has 30 days to show cause why the bond or cash deposit should not be forfeited.

(b) On the permittee's showing of cause, the Department shall provide for a reasonable time, for the permittee to restore the land to comply with the permit.

(c) On failure of the permittee to show cause, the bond or cash deposit shall be forfeited nisi, and notice by the Department shall be given to the permittee and legal owner of the land if different from the permittee and surety of the forfeiture. If a showing of intention to restore in compliance with the permit is not submitted to the Department within 30 days from the forfeiture nisi, the bond or cash deposit shall be forfeited absolute.

(d) On an absolute forfeiture, the Department shall use the funds made available by the forfeiture to reclaim the affected land as promptly and completely as possible.

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